



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND
1333 ISAAC HULL AVENUE
WASHINGTON NAVY YARD DC 20376-2101

IN REPLY REFER TO

5720

Ser SEA 00AS/DON-NAVY-2011-000116F
June 13, 2017

Ms. Rose Santos
FOIA Group, Inc.
PO Box 368
Depew, NY 14043

SUBJECT: YOUR FREEDOM OF INFORMATION ACT CASE DON-NAVY 2011-000116

Dear Ms. Santos:

This is a final response to your September 7, 2011, Freedom of Information Act (FOIA) request for a copy of contract N00024-09-C-5111 and the statement of work.

A thorough search of this Headquarters files was conducted, specifically those records located in the Contracts Directorate (SEA 02). Knowledgeable personnel with that office identified the basic contract and Modification P00019 as responsive to your request.

Navy policy requires that we provide Presidential Executive Order 12600, notice to contractors before releasing any contractual information. Therefore, we asked the submitter to comment on the release of their information. As a result, Raytheon Company identified information in the contract and modification that is considered proprietary and deemed as non-releasable.

I considered your request under the FOIA, (5 U.S.C. 552), as amended, and the Secretary of the Navy Instruction 5720.42F. After careful review of the responsive documents, I determined that it contains information that is exempt from mandatory disclosure under subsections (b)(4) and (b)(6) of the FOIA.

A redacted copy of the basic contract and the modifications is attached at the enclosure. Exemption 4 of the FOIA protects confidential business information, the disclosure of which would cause a substantial competitive harm to the source. In addition, exemption 6 of the FOIA protects information that relates to Federal employees that is personal in nature that may be withheld if its release would cause an unwarranted invasion of personal privacy.

I am the official responsible for the decision regarding your request. Because portions of the requested records have been denied, you may consider this an adverse determination that may be appealed in writing. You may submit a written administrative appeal of my decision to the Office of General Counsel, Department of the Navy, 1000 Navy Pentagon, Room 5A532 Washington, DC 20350-1000. Your appeal must have a copy of this letter enclosed and must be received by the General Counsel within 90 calendar days from the date of this letter. Please add the words "Freedom of Information Act Appeal" to both your administrative appeal and to the envelope. Send a copy of your letter, to the Commander, Naval Sea Systems Command (SEA 00A5), 1333 Isaac Hull Avenue, SE, Washington Navy Yard, DC 20376-1021.

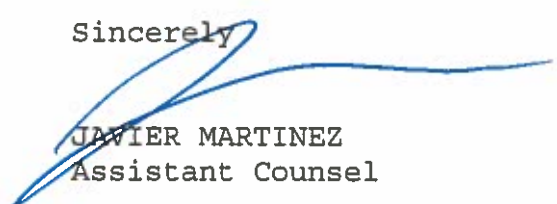
In accordance with the FOIA Improvement Act of 2016, fees for processing your request have been waived since we were unable to respond to you within 20 working days.

As an alternative to filing an appeal, you may seek Alternate Dispute Resolution (ADR). You may submit your request for ADR either to DONFOIA-PA@navy.mil or you can call the Navy FOIA Service Center at 202 685-0412 or via the following address:

Chief of Naval Operations (DNS-36)
Attn: FOIA/PA Service Center
C/O - R. Patterson, Head, SECNAV/CNO FOIA/PA Program Office
2000 Navy Pentagon
Washington, DC 20350-2000

If you have any questions concerning the status of your request, please contact Ms. Ginger Dolan by telephone 202-781-3359 and cite the case number provided above. You can also email us at navseafoia@navy.mil.

Sincerely



JAVIER MARTINEZ
Assistant Counsel

Enclosure